

IN THE UNITED STATES DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

ACTION NO. 3:19-cv-00053-RAM-EAH

THOMAS F. FRIEDBERG & SARAH L.  
BUNGE,

Plaintiff,

v.

DAYBREAK, INC., dba HUBER &  
ASSOCIATES,

Defendant.

/

**DEFENDANT'S RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION**

COMES NOW the Defendant, Daybreak Inc. d/b/a Huber & Associates, by and through undersigned counsel, and hereby files this Response to Plaintiffs' Request for Production dated November 17, 2024, as follows:

1. Any and all documents describing or relating to Defendant's work on the construction project that is the subject of this lawsuit.

**Response: Attached.**

2. Any and all documents including, without limitations, e-mails, evidencing or relating to any and all claims or demands seeking payment for labor, services and/or materials furnished for the construction project that is the subject of this lawsuit.

**Response: Attached.**

3. Any and all contract, including drafts thereof, relating to the construction of the construction project that is the subject of this lawsuit, in whole or in part.

**Response: Attached.**

4. Any and all documents evidencing any communications, including, without limitation, e-mails, facsimile and telephone logs, relating to the construction project that is the subject of this lawsuit.

**Response: Attached.**

5. Any and all correspondence, including, without limitation, written, electronic or e-mail, facsimile and written records of oral communications, relating to the construction project that is the subject of this lawsuit.

**Response: Attached.**

6. Any and all documents, agreements, subcontracts, purchase orders, bonds, and similar documents involving labor or materials for the construction project that is the subject of this lawsuit, including any oral or written agreements, modifications or revisions thereof.

**Response: Attached.**

7. Any and all documents dealing with contract modifications and changes, including addenda, supplements, amendments, alterations or modifications for any contract between you and any other party in connection with the construction project that is the subject of this lawsuit.

**Response: Attached.**

8. Any and all documents relating to changes, alterations or modifications in the scheduling for any work on the construction project that is the subject of this lawsuit.

**Response: Attached.**

9. Any and all documents in your custody, possession or control pertaining to any work performed on the project, including all plans and specifications, whether in paper or electronic format; all field sketches; any documents regarding dimensions or measurements for the roof or roofs at the project; all photographs taken at the project at any time; all communications pertaining to the project between you and any other person including all e-mails and all documents evidencing any and all calculations used by you in determining the square footage or the costs to be charged for this project.

**Response: Attached.**

10. All documents listed in Defendant's Rule 26 Initial Disclosures, including the following:

1. Contract between the parties dated May 7, 2010. **Attached.**
2. Plaintiffs' Expert Report. **Attached.**
3. Photograph of the property during the installation of the roof. **Attached.**
4. Standing Seam Construction Information Pamphlet. **Attached.**
5. Photographs from Hoffman and Associates deposition.
6. Pictures of roof taken during installation of roof (5 pictures). **Attached.**
7. Google Earth satellite photographs of the subject property for August 10, 2017, September 27, 2017, and November 25, 2017. **Attached.**
8. Roof plan for main house. **Attached.**
9. Preliminary costs of repairs produced by Plaintiff's Response to Production dated Virgin Islands Superior Court Case No. ST-10-cv-716 on March 8, 2014.
10. Photographs produced by Plaintiff's Response to Production dated Virgin Islands Superior Court Case No. ST-10-cv-716 on March 8, 2014. **Attached.**
11. Email from Defendant to Plaintiff on February 9, 2010. **Attached is an email dated February 8, 2010.**
12. Email from Chris Bunge to Jack Burbach dated April 16, 2010. **Attached.**
13. Email from Defendant to Plaintiffs on May 15, 2010. **Defendant is attempting to locate.**
14. Email from Defendant to Plaintiffs on May 19, 2010. **Attached.**
15. Email from Defendant to Plaintiffs on May 22, 2010. **Attached.**

16. Email from Plaintiffs to Defendant on May 23, 2010. **Attached.**
17. Email from Jack Burbach to Barry Huber dated June 25, 2010. **Attached.**
18. Correspondence from Plaintiffs to Defendant dated July 13, 2010. **Attached.**
19. Email from Defendant to Plaintiff dated August 23, 2010. **Attached.**
20. Plaintiffs Response to Supplemental Interrogatories in Virgin Island Superior Court Case No. ST-10-cv-716 on April 13, 2014. **Attached.**
21. Photographs depicting mold in the subject property that were produced in Response to Plaintiffs' Supplemental Response to Request for Production in Virgin Islands Superior Court Case No. ST-10-cv-716 on April 13, 2014. **Attached.**
22. Invoices for work performed on the subject property that were produced in Response to Defendant's Supplemental Response to Request for Production in Virgin Islands Superior Court Case No. ST-10-cv-716 on December 12, 2014. **Attached.**
23. Ledger of all transactions between Plaintiffs and Defendant produced in Defendant's Response to Plaintiffs' Request for Production in Virgin Islands Superior Court Case No. ST-10-cv-716 on June 13, 2014. **Attached.**
24. Additional invoice for work performed on the subject property that were produced in Response to Defendant's Supplemental Response to Request for Production in Virgin Islands Superior Court Case No. ST-10-cv-716 on June 13, 2014. **Attached.**

25. Diagrams regarding the roofing project on the subject property that were produced in Response to Defendant's Supplemental Response to Request for Production in Virgin Islands Superior Court Case No. ST-10-cv-716 on June 13, 2014. **Attached.**

26. Deposition of Arthur Sanders, AIA taken in Superior Court of the Virgin Islands Case No. ST-10-cv-716 taken on March 6, 2015. **Attached.**

27. Deposition of Barry Huber taken in Superior Court of the Virgin Islands Case No. ST-10-cv-716 taken on July 31, 2014. **Attached.**

28. Release signed in Superior Court of the Virgin Islands Case No. ST-10-cv-716.

**Response: Attached.**

11. A copy of the insurance contract and declarations page identified in Defendant's Rule 26 disclosures from Southern-Owners Insurance, Policy Number 184622-78009727-18.

**Response: Attached.**

12. A copy of the insurance contract and declarations page identified in Defendant's Rule 26 disclosures from Ameritrust Group.

**Response: None in Defendant's possession.**

13. A copy of any reservation of rights issued by Southern-Owners Insurance, Policy Number 184622-78009727-18, that refers to or discusses the coverage available to Daybreak, Inc., as a result of the allegations in the subject complaint.

**Response: None.**

14. A copy of any reservation of rights issued by Ameritrust Group, Inc., that refers to or discusses the coverage available to Daybreak, Inc., as a result of the allegations in the subject complaint.

**Response: None in Defendant's possession.**

Date: December 17, 2024.

s/ Jeffrey C. Cosby, Esq.  
Jeffrey C. Cosby, Esq.  
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s/ Andrew C. Simpson, Esq.  
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**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that on December 17, 2024, we electronically filed the foregoing document via CM/ECF to the parties listed below:

s/ Jeffrey C. Cosby, Esq.  
Jeffrey C. Cosby, Esq.  
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s/ Andrew C. Simpson, Esq.  
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